

# LAW SLAIN AFTER MURDER OF DEPUTY

Slain Battle Near Santa Ana, Cal., With Miscreant Who Attacked Girl.

ITIA ORDERED OUT Ranchmen and Contable Wounded During Fight in Ravine.

International News Service. ANGELES, Dec. 16.—One deputy sheriff was instantly killed and three others were badly wounded today in a desperate battle with a lawless outlaw, in a deep ravine near Santa Ana, Cal., the battle culminated in the death of the outlaw, who fell with a bullet in his body, as militia deputy sheriffs and armed citizens stood on.

Dead. DEPUTY SHERIFFS, deputy sheriff, who was instantly killed, and three others were badly wounded today in a desperate battle with a lawless outlaw, in a deep ravine near Santa Ana, Cal., the battle culminated in the death of the outlaw, who fell with a bullet in his body, as militia deputy sheriffs and armed citizens stood on.

Injured. PRATHER, rancher, shot through the arm, and a deputy sheriff, who was instantly killed, and three others were badly wounded today in a desperate battle with a lawless outlaw, in a deep ravine near Santa Ana, Cal., the battle culminated in the death of the outlaw, who fell with a bullet in his body, as militia deputy sheriffs and armed citizens stood on.

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Foot by foot the militiamen worked away on one side of the draw while the force of deputy sheriffs and civilians went on the opposite side. The crack of the outlaw's rifle punctuated the advance, but ineffectually.

When the signal was given for the rush upon the outlaw's position and militiamen rose on all sides of him, Welch sprang from his concealment and fled down the draw. Every gun in the party of pursuers was aimed at him and he fell completely riddled with bullets.

Not until the outlaw was killed was it possible to reach the body of Deputy Sheriff Squire. The dead and injured were taken to Santa Ana in automobiles. Prather, with a bullet through his head, was not expected to live. The body of the outlaw Welch was turned over to the coroner.

## SUPREME COURT IS UNANIMOUS IN VIEW

(Continued from Page One.)

tion that source of competition be removed, the monopoly which the defendants may exert over production and sale will be complete.

The justice considered the charge of a "general combination" to apportion output. Reliance was made, he said, in support of this charge on the conference of railroad presidents in 1898 when it was avowed efforts were made to distribute the coal business upon the basis of the amount carried in previous years.

"The weight of proof," declared Justice Burton, "satisfies us that whatever might have been contemplated or attempted, the scheme proved abortive, or if attempted was abandoned long before the bill was filed."

Taking up the Temple Iron company feature of the case, the justice detailed how independent operators in the Wyoming region of Pennsylvania about 1898 pledged their tonnage to a new road to Tidewater, and how the New York, Wyoming and Western railroad company was "projected in good faith" on the strength of these pledges.

The eight collieries of the Simpson and Watkins firm were described as powerful factors in this project. He described how, through the aid of J. P. Morgan and company, the Temple Iron company was bought, converted into a holding company, its obligations guaranteed by the six roads in proportion to their annual coal tonnage and finally, how the Temple purchased the property of the Simpson and Watkins firm.

The withdrawal of the support of this firm from the proposed railroad was held to have thwarted the road's construction.

The court dealt with the argument that no injunction should be issued against the Temple company because the alleged strangulation of the projected road was a thing of the past.

Evil in Combination. "The evil is in the combination," declared Justice Burton. "So long as the defendants are able to exercise the power thus illegally acquired, it may be most efficiently exerted for the continued and further suppression of competition. Through it, the defendants, in combination, may absorb the remaining output of independent producers."

"Without it, the several groups of coal carrying and coal producing companies have the power and motive to compete."

He called attention to the fact that the railroad presidents were members of the Temple's board of directors and said this relation afforded "the time, place and occasion for concert of action."

The justice took up the contracts with the independent producers, referred to as the sixty-five per cent contracts because the railroad companies were to pay that percentage of the price of coal at Tidewater to the "independent" for their coal. Justice Burton declared it was "plainly established" that these contracts were made by concert and that the "plain deduction" was that the contracts were designed to control the sale of the independent output.

Whether the department of justice will undertake further investigation of the coal situation has not been determined. Numerous complaints have been received by the department of justice as being accountable for the high price of coal this winter in certain sections of the country. Action on these has been deferred pending the decision handed down today.

Baer Indifferent. PHILADELPHIA, Dec. 16.—George E. Baer, president of the Reading company, commenting upon the decision of the supreme court of the United States in the anthracite coal case this afternoon, said:

"The decision, so far as I am able to judge from the reports received, sustains the company with the exception of the 65 per cent contracts and the holding of the Temple Iron company stock."

"I have always been indifferent as to the 65 per cent contracts. They were made with the operators to induce them to join in the settlement of the strike of 1902. They never were satisfactory to me because in times of dull trade we have had to take their coal and ship it, and in times of active trade they have, as a rule, done just as they pleased as to delivering the coal to us under the contract."

"As to the Temple Iron company decision, this is a matter of indifference. The Reading system never had any of the coal traffic from these mines. The property is a valuable one, and we will sell our stock at a large profit to anybody who wants it."

Some of the independent said they believed the 65 per cent contract decision will have an important bearing on the future distribution and price of hard coal. It was pointed out by one of them that the independent are now free to sell their coal wherever they please, and at whatever price they may get, providing the railroads will give them sufficient care.

Walker Brothers Bankers

# COMPULLED TO SELL OR BE DISMISSED

Testimony of Former Partners in Cash Register Agency at Atlanta, Ga.

CINCINNATI, Dec. 16.—"The National Cash Register company offered to buy us out or drive us out of the business—there was no other alternative."

This was the testimony given today by A. L. Delkin and Fred E. Ladd, former partners in a cash register agency at Atlanta, Ga., in the trial of President John H. Patterson and other officials of the National Cash Register company.

Delkin testified the National company had offered him \$10,000 to stop selling machines made by other companies and that he had been informed by the National agent it was always the policy of the National company to buy out or drive out all opposition.

Infringement suits were filed against the firm by the National company, according to the testimony, and further threats to start a fight against the agency were made, but it was some time later, in 1906, that it was deemed advisable to sell out to the National company.

On cross-examination Delkin admitted advertising Hallows machines at \$125, but denied that it was a "knock-out" machine put out by the opposition.

Preston McKinney, a Los Angeles publisher, testified that he had followed an American Cash Register company's agent and had written a story about it.

J. A. Scudland of Seattle, who began his testimony on Friday, finished his cross-examination at this morning's session.

## DR. CARL ALSBURG SELECTED BY TAFT

Noted Scientist Will Succeed Dr. Harvey W. Wiley as Chief Chemist.

WASHINGTON, Dec. 16.—President Taft directed Secretary Wilson today to appoint Dr. Carl Alsburg, a chemist in the agricultural department, chief of the bureau of chemistry to succeed Dr. Harvey W. Wiley.

Dr. Alsburg has an international reputation as an authority on the biological phases of chemistry. He has been chairman of the new biological section of the American Chemical society, was secretary of the section of physiological chemistry of the International Congress of Arts and Sciences at the St. Louis exposition, and his publications in the field of bio-chemistry have been numerous.

Dr. Alsburg was educated in the New York private schools, Columbia university, the University of Strasbourg, was a research worker at the German Imperial Institute for Experimental Therapeutics at Frankfurt-on-the-Main, and worked in Germany under Schreiner, a famous authority on chemical pharmacology.

He took charge of the department of biological chemistry at the Harvard Medical school.

## LIQUOR BILL FIGHT BEGINS IN THE SENATE

WASHINGTON, Dec. 16.—Denunciation of the "mail order liquor business" as the opening today of the fight in the senate for the passage of the Sheppard-Kerney bill to prohibit the shipment of liquor across state lines into "dry" territory.

Galleries were thronged with men and women identified with the national temperance movement when the debate began. Consideration of the bill was devoted to addresses in its support by Senators Sanders of Tennessee and McCumber of North Dakota.

Legislative rules threw the anti-liquor shipment bill back to the regular calendar of the senate when the debate was interrupted by the Archibald impeachment trial. Members will demand that it be taken up again, and an effort will be made to have the bill brought before the senate as "unfinished business," insuring its daily consideration until it finally is disposed of.

## SAYS THE MINES WERE NOT WORTH WORKING

NEW YORK, Dec. 16.—In the opinion of Augustus Pollet, president of the Manhattan-Nevada gold mines, stock in which to the number of 5,000,000 shares is alleged to have been disposed of to the public at a share of the property "was not worth working."

Pollet was on the stand today in the trial of J. Edgar Hoover, charged with using the mails to defraud investors through the sale of mining stocks.

"Deep-seated coughs that resist ordinary remedies require both external and internal treatment. If you buy a dollar bottle of BARKLEY'S HORE-HOUND SYRUP you get the two remedies you need for the price of one. There is a HERRICK'S RED PEPPER POROUS PLASTER for the chest, free with each bottle. Sold by Schramm-Johnson drugs, 3 gold stores. (Advertisement)"

Holiday Excursions Via Denver & Rio Grande R. R. One single fare for the round trip between any stations in Utah. Minimum fare 25 cents. Sale dates December 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 1912, 1913. (Advertisement)

# LOSSES SUIT AGAINST PIG IRON MAGNETE

Beatrice Brevaine De Acosta Fails to Obtain \$53,000 for Breach of Contract.

By International News Service. NEW YORK, Dec. 16.—Beatrice Brevaine De Acosta, the five-times married "fencing girl," so called because of a well-known picture showing her in fencing costume, today lost her suit for \$53,000 against Joseph G. Butler, Jr., president of the Pig Iron association, president of the Ohio State and the American Revolution, and life-long friend of President Taft. Mr. Butler is 72 years old.

The De Acosta suit was dismissed in the supreme court as Justice Davis after it had been on the calendar twenty-six times. On all these occasions the plaintiff attempted to obtain a postponement and it was on the ground of this conduct that Justice Davis based his decision.

Mrs. De Acosta sued the aged millionaire for money which she alleged he agreed to pay her for discontinuing her suit against Emil Dreyfus, the millionaire lace importer of this city, who was her fourth husband. Her suit against Dreyfus was dismissed in the New York supreme court in 1910. Then she alleged she wrote to Mr. Butler to make good his agreement. When he failed to do so she brought suit. She alleged that the agreement with Mr. Butler with reference to dropping the suit against Dreyfus was the result of a series of conferences she had with the defendant at the Fort Pitt hotel in Pittsburgh, at 1217 James street, Allegheny, Pa.; the Cafe Martin, New York; the Hotel Geneva, New York; and by telephone to Youngtown, Pa.

The plaintiff's fifth husband, Jose Ma. De Acosta, described her as being born in 1911, and she started an action against him which she subsequently dropped.

You will find that druggists everywhere speak well of Chamberlain's Cough Remedy. They know from long experience in the sale of it that in cases of coughs and colds it can always be depended upon, and that it is pleasant and safe to take. For sale by all dealers. (Advertisement)

## Rockhill's Good Work.

Embassador Rockhill was the main instrument in convincing the port of the necessity of reaching an understanding of coming to terms with Italy. The negotiations through Embassadors O'Brien and Rockhill reached so far that President Taft telegraphed to the emperor at Rome instructing the embassador to prefer the good offices of the American embassador at Constantinople, W. W. Rockhill, of the peace conditions proposed by Italy, which were exactly embodied in the treaty of Lausanne.

United States had a beneficial effect in the Balkan states, when last June the American embassador, Mr. Rockhill, Thomas J. O'Brien, after an understanding with the Italian premier, notified the American embassador at Constantinople, W. W. Rockhill, of the peace conditions proposed by Italy, which were exactly embodied in the treaty of Lausanne.

## Conceded to Bulgaria.

To Bulgaria is conceded the island of Thasos, but Turkey claims possession of the other islands in the Aegean sea, including Samothrace, Imbros, Lemnos and Mytilene. Greece has been refused, because the latter belongs to Asiatic Turkey. But the administration at Constantinople has refused to accept the terms of the treaty of Lausanne, which gave the island of Thasos to Bulgaria, and the other islands in the Aegean sea, including Samothrace, Imbros, Lemnos and Mytilene, to Greece.

## Uncle Sam as Mediator.

The delegates did not refuse to discuss the question unofficially and it was marked that it would be impossible for Russia or Austria to mediate, as both powers are too interested in the settlement, not only of the negotiation of peace without even the power of concluding it. For the concluding of the peace, Russia or Austria must receive the authorization of their respective governments.

## Brings Alternative.

Russia and Austria are the most directly interested and their action will be of vital importance, especially to the Austrian embassador to Great Britain, Count Von Montsfort, is said to be carrying with him on his return journey from Vienna the alternative of peace or war. Austro-German elements say that if the latter course is decided upon, Austria is ready to draw the sword immediately, as by the end of a week she could have 1,000,000 men at the Balkan and Russian frontiers.

## Military Activity.

LONDON, Dec. 17.—Telegraphing from Vienna, the correspondent of the Daily Mail says the extensive military measures on the southern frontier have increased in intensity since the recent changes in the leadership of the Austrian military staff.

## Charges Trivial.

VIENNA, Dec. 16.—The official report of Special Delegate Ball, who investigated charges that the Serbians mistreated Austrian Consul Prochaska at Pristina, says the charges are trivial and that they should cause no friction between Serbia and Austria. This practically ends a serious cause of tension between these two countries.

## Offer of Servia.

LONDON, Dec. 17.—The Belgrade correspondent of the Daily Mail says: "I am authoritatively informed that for the purpose of hastening the negotiations and proving her faith in the justice of the powers, Servia is willing to estimate Turazzo on condition that Great Britain occupy the port until the fate of Albania is decided definitely."

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uses on the southern frontier have increased in intensity since the recent changes in the leadership of the Austrian military staff.

Delegates at Ball find, however, that on several occasions the Serbian military officers adopted toward the Austrian consul an incorrect attitude, according to international standards. The Serbian government has been informed of these infractions and requested to give Austria satisfaction.

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## Velvet

THE SMOOTHEST TOBACCO. There's a ground-floor opening for you in this circle.

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House Jackets. Bath Robes. Fancy Vests. Neckwear. Shirts, Hose. Handkerchiefs. Suspenders. Gloves. Men's Jewelry. Garters. Slippers. Cane. Pajamas. Toilet Sets. Sweater Coats. Suit Cases. Pipes. Smokers' things. Flasks. Tie Presses. Collar Bags. Knives. Mufflers. Umbrellas.

Gillette and Keene Cutter Safety Razors. Buy him a gift certificate and let him choose what he will after Xmas. Let him have a new suit or an